ROLL NO. _____

C

PATENT AGENT EXAMINATION, 2024

(Under Section 126 of the Patents Act, 1970)

PAPER – I

Time: 10.00 AM to 12.00 PM (Two Hrs.) **Max. Marks: 100**

Instructions:

1. This paper consists of 3 Parts: Part A (30*2=60 marks),
   Part B (10*1=10 marks), and
   Part C (10*3=30 marks).
2. ALL questions are compulsory.
3. Candidates should read the questions very carefully before answering.
4. No clarification will be provided during the course of the examination on any technical/legal matter.
5. There is no negative marking.
6. All references to "Act" and "Rules" may be read as The Patents Act, 1970 and The Patents Rules, 2003 respectively, as amended until now and their related applications.
7. Wherever date is mentioned, it shall be treated to be dd/mm/yyyy format.
8. No candidate will be allowed to leave the Examination Hall till the completion of the half time of the paper.
9. If any candidate wants to leave the Examination Hall after the completion of the half time but before the paper completion time, she/he can do so by surrendering the question paper.
10. After the completion of the paper time, the candidate can take the Examination Paper with her/him.
11. No candidate should leave or will be allowed to leave the Examination Hall (i) without signing the Attendance Sheet; and (ii) without properly handing over her/his OMR sheet/Answer Booklet to the Invigilator.

PART A

Part A comprises of 30 Multiple Choice Questions each of 2 marks with only ONE Option is correct. Select the most appropriate Option

1. **In a revocation proceeding in Court, Dr. Desai was able to prove that a patent granted to one of his students Mr. Rohan was wrongfully obtained. Post Court's revocation order and permission of grant of the whole patent to him, Dr. Desai files a petition before the Controller to grant the said patent in his name. What would be the date of patent granted to Dr. Desai after such proceeding:**
   - **A.** Date on which controller revokes the patent
   - **B.** International filing date
   - **C.** Same as revoked patent
   - **D.** Date on which controller grant a new patent

   If patent wrongfully obtained and then given to the real inventor, the date of the original patent remains the same

2. **Ms. Ragini has composed an interesting and soothing Raga composition. This Raga composed can be used in yoga, meditation, medication to relax or treat patients suffering from anxiety and depression. She would like to protect her IP rights. Which is the most appropriate IP Act for her to apply for protection:**
   - **A.** The Copyright Act, 1957
   - **B.** The Trade Marks Act, 1999
   - **C.** The Patents Act, 1970
   - **D.** The Designs Act, 2000

   Musical compositions are protected only under copyright

3. **A novel sunscreen formulation 'AlZo' is made of by mixing jojoba oil and Almond oil in a certain ratio along with other excipients. The sunscreen formulation is patentable if:**
   - **A.** SPF value of jojoba oil= SPF value of Almond oil =SPF value of sunscreen 'AlZo'
   - **B.** (SPF value of jojoba oil +SPF value of Almond oil) =SPF value of sunscreen 'AlZo'
   - **C.** (SPF value of jojoba oil+ SPF value of Almond oil) < SPF value of sunscreen 'AlZo'
   - **D.** (SPF value of jojoba oil+ SPF value of Almond oil) > SPF value of sunscreen 'AlZo'

   individual oils than

   Patentable only if the final sunscreen performs better higher SPF

4. **Under the Doctrine of National treatment, as regards to the protection of industrial property, each country must grant the same protection as it grants to its own nationals, to**
   - i. **Nationals of the other member countries of Paris Convention**
   - ii. **Nationals of all member countries of United Nations**
   - iii. **Nationals of all the countries of Paris Convention but and the same legal remedy against infringement of their rights is not available to nationals of those countries with which it fought wars in the past**
   - iv. **Nationals of countries that are not party to the Paris Convention and if they are domiciled in a member country or if they have a real and effective industrial or commercial establishment in such a country.**

   - **A.** Only (i)
   - **B.** Only (i) and (iii)
   - **C.** Only (iii)
   - **D.** Only (i) and (iv)

   1) Members of Paris Convention
   2) Non members domiciled / having real business in member countries.

5. Mr. Ramayuna filed an application for the grant of patent with provisional specification on 06/11/2012 in Patent Office, Delhi. Subsequently, complete specification was filed on 05/11/2013. As per the provisions of section 13, the examiner after conducting the prior art search shall report:
   i. Patent literatures anticipating the claims and published before 05/11/2013
   ii. Patent literatures wherein the invention as claimed in Mr. Ramayuna's application is claimed in any claim of complete specification published after 05/11/2013 but having priority before 06/11/2012 and filed in India
   iii. Non-Patent literatures anticipating the claims and published before 05/11/2013

   A. Only (i)
   B. Only (i) and (ii)
   C. Only (ii) and (iii)
   D. All of the above

Examiner checks all prior patent non patent literature and also later published patents with earlier priority

6. Over the years in the field of IPRs significant Indian Jurisprudence has got created with regard to various aspects of patenting in India. Match the following(s) case laws with their relevant focus:

Case Law	Main Jurisprudence Subject-matter
1. Biswanath Prasad Radhey Shyam Vs Hindustan Metal Industries Ltd	a. Post Dating — Sec 17
2. Standipack Pvt. Ltd. Vs M/s Oswal Trading Co. ltd.	b. Person skilled in the art and Inventive Step
3. Novartis AG Vs Union of India (2013)	c. Software related Patents — sec 3(K)
4. Ferid AllaniVsUnion of India (2014)	d. Therapeutic Efficacy — Sec 3(d) x

   A. 1-b, 2-a, 3-c, 4-d
   B. 1-d, 2-a, 3-c, 4-b
   C. 1-a, 2-b, 3-d, 4-c
   D. 1-b, 2-a, 3-d, 4-c

7. Match the following(s) examples which are not patentable under relevant clauses of the Act:

Clauses of Section 3	Example Not Patentable
1. Section 3(j) - e	a. Turmeric aqueous extract for pimple care
2. Section 3(h) - b	b. Method of aerating soil for improved yield in agriculture
3. Section 3(i) - c	c. Method of surgical removal of teeth
4. Section 3(p) - a	d. Isolated insulin gene
5. Section 3(c)	e. Mouse cell - part of animal.

   A. 1-a, 2-c, 3-b, 4-d, 5-e
   B. 1-e, 2-b, 3-c, 4-a, 5-d
   C. 1-a, 2-b, 3-d, 4-e, 5-c
   D. 1-c, 2-a, 3-d, 4-b, 5-e

3(j) plants, animals, seeds, varieties parts, essentially biological processes not patentable

3(h) Agricultural or horticultural methods are not patentable.

3(i) Methods of medical treatment are not patentable

3(p) traditional Knowledge not patentable

3(c) Discovering of living or non living substances occuring naturally

Machine readable text (ASCII / text X ML ST 26)
↗ electronic format so international offices can process (only)

8. **Dr. Sunita wants to file a patent application involving gene and protein data in India. As a patent agent, you advice her that she also needs to file the sequence listing of nucleotides or amino acid sequences. The correct way for filing sequence listing of nucleotides or amino acid sequences in India is:**

   A. the sequence listing of nucleotides or amino acid sequences shall be filed in computer readable text format along with the application, and no print form of the sequence listing of nucleotides or amino acid sequences is required to be given

   B. the sequence listing of nucleotides or amino acid sequences shall be filed in normal format same as the application, and no print form of the sequence listing of nucleotides or amino acid sequences is required to be given

   C. the sequence listing of nucleotides or amino acid sequences shall be filed in computer readable text format along with the application, and print form of the sequence listing of nucleotides or amino acid sequences is required to be given

   D. the sequence listing of nucleotides or amino acid sequences shall be filed in same format as that of the application, and print form of the sequence listing of nucleotides or amino acid sequences is required to be given

sec 25(1) / No fee / form 7A - Pregrant

9. **Mr. Madhav is a plant science researcher and specialized in developing transgenic rice. After he quits from his organization, his organization has filed a patent application based on Madhav's work and the same was granted with several of his colleagues as inventors. Mr. Madhav came across this news in a newspaper that a patent has been granted this month for the transgenic rice developed by him. But Mr. Madhav's name is not mentioned as inventor. He is not happy about it. He consults you. What among these options will be your correct advice as per the provisions of the Act:**

   A. Madhav can file a post grant opposition u/s 25(1) with form 7 and fee

   B. Madhav can file a post grant opposition u/s 25(2) with form 7A and without any fee

   C. Madhav can file a post grant opposition u/s 25(1) with form 7A and fee

   D. Madhav can file a post grant opposition u/s 25(2) with form 7 and fee

as interested person.

10. **Dr Sita filed a provisional application for an innovative beeper technology on 01/01/2018. The timeline to file the complete application is near, however the same is not complete and she needs few more months. Dr. Sita consults you for professional advice. The possible correct option is:**

   A. Dr. Sita can post date the application for a maximum of 3 months at once if she files the request for post-dating before 01/04/2019

   B. Dr. Sita could file petition under rule 138 for extension of period for filing complete specification by 1 more month

   C. Dr. Sita can post date the application for a maximum of 6 months by applying for it anytime before the term of patent expires

   D. Dr. Sita can post date the application for a maximum of 6 months, provided she requests for post-dating the application before 01/01/2019 (12 Months from filing)

11. **Mr. John and Ms. Prakshi jointly made an invention and wish to file a PCT international application. Mr. John is a resident of PCT contracting state but Ms. Prakshi is not. What would be a situation permitted under PCT:** 31 months

PCT - Patent Cooperation Treaty - Admin WIPO

→ Post dating has strict time limits

ISA - international searching authority

IPEA - international preliminary Examining Authority

WIPO - World Intellectual Property organisation

A. They cannot file any PCT international application jointly as Ms. Prakshi is not a national/resident of PCT contracting state
B. They can file jointly as Mr. John is a resident/national of PCT contracting state – as one applicant
C. Ms. Prakshi need to sign an affidavit about non-resident of PCT-State and then they can jointly file
D. They both can make a joint declaration under PCT Rule 34 bis(i) to become eligible to file joint PCT international application

12. **Company *Hassium* found that a patent filed by its rival company *Rhenium* is a copy of its patented invention. It approached a patent agent and asked to file a pre-grant opposition. grounds Match the following grounds with relevant section/sub-section/clauses:**

Grounds	Section/Sub-section/Clauses
1. Publicly known/used in India	a. 25(1)(f)
2. Obviousness 25(1)(d)	b. 25(1)(b) — novelty
3. Prior anticipation 25(1)(b)	c. 25(1)(a) — statutory exclusions
4. Claims not patentable 25(1)(f)	d. 25(1)(e) — prior public use
5. Wrongfully obtained 25(1)(a)	e. 25(1)(d)

25(1)(e)

A. 1-a, 2-b, 3-d, 4-e, 5-c
B. 1-b, 2-c, 3-e, 4-a, 5-d
C. 1-e, 2-d, 3-c, 4-a, 5-b
D. 1-e, 2-d, 3-b, 4-a, 5-c ✓

13. **Mr. Neelesh started a business of making sports shoes. He realized that some companies used patented technologies to claim higher price for their product. Being fancied, he decided to put a stamp 'patented' on his article without actually filing any patent. What would be possible consequences as per the provisions of the Act:**

False marking is Prohibited monetary penalties.

A. He shall be punishable with imprisonment
B. He shall be liable to fine/penalty
C. He may be punishable with both fine and imprisonment
D. He will be warned by patent office first for first offence without any fine/penalty and then for subsequent offences shall be liable for fine or imprisonment or both.

14. **Mr. Alpha has two patent applications filed on valve structure of an IC Engine. The first application A was filed on 01/04/2019 and the second application B, which actually is an improvement on first application was filed on 31/03/2019. Both the applications proceeded to grant of patents individually. Application A was granted on 01/07/2022 and application B was granted on 30/10/2022. However, Mr. Alpha later on came to know about the provisions and related benefits of patent of addition and requested the controller to revoke the patent B and convert the same as patent of addition of patent A. In this context, select the correct option:**

A. It is possible to convert B to a patent of addition of A
B. It is not possible to convert B to a patent of addition of A
C. It is possible to convert B on condition that the patent term of B will co-terminate with A
D. None of the above

Time order is wrong, Patent of addition must co terminate but filing order is crucial

DAS - Digital Access System.

CASE - Centralised Access to Search & Examination

15. Which of the following statements regarding WIPO services are correct:
    - i. WIPO DAS is an electronic system to access priority document to be securely exchanged between participatory countries
    - ii. WIPO CASE enables different patent offices to securely share priority document and translation thereof
    - iii. WIPO CASE is an arrangement for work-sharing between offices
    - iv. India is a participating country to WIPO DAS and but not WIPO CASE

    India Signed in 2017

    A. Only (i) and (ii)
    B. Only (i) and (iii)
    C. Only (i), (ii) and (iii)
    D. All are correct

16. Mr. Akram is a student from Central college, Jaipur. He has invented innovative AI Nanobot which can be designed to take any form in a swap of a finger and is indestructible. He filed a patent application in Indian patent office. The controller identified the potential of the invention in defense and immediately placed it under secrecy direction. What are the possible consequences of this move:

    secrecy directions sec 36(1)

    i. the Controller shall not pass an order refusing to grant the same
    ii. any order of the Controller passed in respect thereof is appealable

    → sec 117(A) appealable orders.

    A. Only (i)
    B. Only (ii)
    C. Both (i) and (ii)
    D. None of the above

17. Mr. Vikrant was granted a patent for a novel coating over the photovoltaic cell to enhance its light absorption capacity in 2016. The granted patent lapsed and Mr. Vikrant filed an application for the restoration of the lapsed patent. His opponent Mr. Pran who is also working in the same field, can file opposition to the application for restoration of the lapsed patent on which of the following ground(s):
    - i. Failure to pay the renewal fees by Mr. Vikrant was intentional
    - ii. There was undue delay in making of the application for restoration
    - iii. Propriety of the patentee is questionable
    - iv. The patent was wrongfully obtained

    A. Only (i) and (ii)
    B. Only (iii) and (iv)
    C. Only (i), (ii) and (iii)
    D. All of the above

18. Over years in the field of IPRs various Treaties/Agreements/Conventions have been entered by many countries. Match the following(s) with the relevant subject matter of such Treaties/Agreements/Conventions:

Treaties/Agreements/Conventions	Subject-matter
1. PCT	a. Registration of Marks
2. Hague	b. Copyright
3. Berne	c. Patent
4. Madrid	d. Industrial Design
5. Budapest Treaty	e. Deposit of Micro-organization

PCT – 150+countries (International) Trademark

A. 1-c, 2-b, 3-d, 4-a, 5-e
B. 1-c, 2-d, 3-a, 4-b, 5-e
C. 1-c, 2-d, 3-b, 4-a, 5-e
D. 1-a, 2-d, 3-b, 4-c, 5-e

19. **A company *Novel Corporation* has got patent for a water purifier technology that auto adjusts the water quality. *Novel Corporation* comes to know that another company *Inventive Corporation* has flooded the market with similar products. *Novel Corporation* files infringement suit in the district court. *Inventive Corporation* in response files a counter-claim for revocation of the patent of *Novel Corporation*. In the matter, the future course of action will be:**

A. The infringement suit shall proceed in the District Court and revocation proceedings at the Patent office simultaneously
B. The infringement suit shall proceed in the District Court and revocation proceedings at the concerned High Court simultaneously
C. The infringement suit along with the counter claim for revocation shall be transferred to the concerned High Court substantive patent law adjudication.
D. The District Court shall appoint a Scientific advisor and shall proceed in line with such advice

20. ***Hafnium Corporation* filed a PCT international application and received an International Search report (ISR) and Written opinion (WO) from ISA-India. Based on the ISR/WO report, *Hafnium Corporation* wishes to file amendments. Which of the following option is correct:**

A. Amendment is possible in description and claims anytime during the international phase under PCT Article 6
B. Only Claims can be amended under article 34 within 2 months from transmission of ISR/WO
C. Claims can be amended under Article 19 within 3 months from transmission of ISR/WO
D. None of the above

21. **If A = Technical advance as compared to the existing knowledge**
B = Having economic significance
C = That makes the invention not obvious to a person skilled in the art;
Then, Inventive Step under the Patents Act, 1970 means a feature of an invention that involves:

A. (A and B) or C
B. A or B or C or (A and B)
C. (A or B or (A and B)) and C
D. A or B or C

IPE - International Preliminary Examination.

small entity, educational institution, Rule 24C

22. *Bharat Institute of Engineering and Technology (BIET)* is a privately run educational institute. Their student/faculty invented an air purifier and wants to file a patent application at Indian Patent Office by exploiting all the benefits extended to an educational institute by the Govt. of India. Which of the following option would be correct:
    A. BIET can file expedited examination request and a reduction in fee in filing application
    B. BIET can take advantage of fee reduction but cannot file expedited request for examination
    C. BIET is not eligible for any fee reduction being a privately owned educational institute but can file expedited request for examination
    D. BIET can take advantage of both fee reduction and expedited examination after getting an approval from UGC/AICTE

23. **Dr. Kavya is a scientist of one of the Government Research Laboratories in India. She got a research funding from Department of Research, Govt of India. As per the agreement, she communicated her research updates regularly to the funding agency, which were consequently reported in their internal departmental periodic proceedings. Later on, her research turned out to be having huge market potential and the Laboratory applied for a patent at Indian Patent Office. Which of the following is true while considering prior anticipation:**
    A. The patent application is liable to be refused on ground of prior anticipation due to internal departmental periodic proceedings.
    B. Dr. Kavya's laboratory, being a government organization is relaxed from the consideration of prior anticipation.
    C. Inventor, Dr. Kavya may apply for relaxation in prior anticipation under a special scheme in this regard for women.
    D. Patent application is not deemed to have been anticipated by communication to Government agency.

Sec 30 clarifies communications to Govt do not automatically count as public anticipation.

24. **Mr. Daivam filed an application for the grant of patent for an innovative operating instrument, which was granted and published on 19/02/2018. Later the specification and claims were amended by the patentee, which was published on 19/05/2018. Under the provisions of the Patents Act, 1970 and Rules made therein, which of the following statement(s)is/are correct:**
    i. **Post-Grant Opposition can be filed by any person till 19/02/2019**
    ii. **Post-Grant Opposition can be filed with regard to amended portion by any interested person till 19/05/2019**
    iii. **The whole application can be opposed till 19/05/2022 by any interested person**
    A. Only (i)
    B. Only (i) and (ii)
    C. All (i), (ii) and (iii)
    D. None

B

Post Grant opposition S.25(2) with in 1 year

Amendments done only 1 time as per Rules

25. Mr. Hirva wants to correct few mistakes which are there in his patent specification. He asks his friend, who tells him that there are different ways prescribed under the Patents Act, 1970 and Rules made therein to correct such mistakes in his specification. Which of the following statement(s) is/are correct in this regard:

i. Clerical mistakes may be corrected under section 78 without paying any fees

ii. Amendment by way of correction under section 57 by filing Form-13 and prescribed fees

iii. Both correction under sections 78 as well as section 57 are considered as amendment under the Patents Act, 1970

A. Only (i)
B. Only (ii)
C. All (i), (ii) and (iii)
D. None

26. An application for grant of patent for an invention was filed on 19/05/2014. The invention uses a biological material which is not commonly available to the public and the same was deposited in the depository institution on 19/02/2014. The application got published on 26/11/2015 and granted on 19/05/2018. In provisions of the Act:

i. The depository institution shall make the biological material mentioned in the specification available to the public 19/05/2014 onwards

ii. The Patent office shall make the specification and drawing of the application available to the public 26/11/2015 onwards

iii. Applicant shall be entitled to institute any proceedings for infringement 19/05/2014 onwards

iv. The applicant shall have the like privileges and rights as if the patent for the invention had been granted on 26/11/2015

A. Only (i)
B. Only (ii) and (iv)
C. Only (iii) and (iv)
D. Only (iv)

27. Ms. Ritu has genetically modified a microorganism from Goa sea beach which has the capacity to degrade petroleum. She has drafted the complete specification and would like to protect the microorganism too. What are the correct options with respect to disclosure requirements:

i. the deposit of the material shall be made not later than the date of filing the patent application in India and a reference thereof shall be made in the specification within the prescribed period;

ii. the deposit of the material shall be made not later than date of publication the patent application in India and a reference thereof shall be made in the specification within the prescribed period;

iii. all the available characteristics of the material required for it to be correctly identified or indicated are included in the specification including the name, address of the depository institution and the date and number of the deposit of the material at the institution;

iv. disclosure of the source and geographical origin of the biological material in the specification is not required even if used in an invention.

A. Only (i)
B. Only (ii) and (iv)
C. Only (i) and (iii) ✓
D. All of the above

C

28. Which of the following is/are patent classification system(s):
    i. International Patent Classification IPC
    ii. Cooperative Patent Classification CPC — EU | US cooperative
    iii. File Index and File Forming Term
    iv. European Classification System ECLA

A. Only (i) and (ii)
B. Only (i), (ii) and (iii)
C. Only (i), (ii) and (iv)
D. All of the above ✓

D

Appeal to HC Sec 117A

29. As an authorized patent agent, you just received a controller's refusal under section 15 on an application prosecuted by you. However, after careful scrutiny of the order, your client observed that the controller did not consider one important document filed during prosecution and asked you to file a review petition. The same may be filed on form 25 and within 30 days from the date of communication of order.

A. 24, one month = Extention of time - sec 131
B. 25, three months — Request for review
C. 14, twelve months
D. 22, six months

Sec 77(1) review (f)

options ABCD are wrong

30. Mr. Swamy filed a patent application which was granted on 31/03/2023. Unfortunately, just before the grant, Mr. Swamy passed away on 25/02/2023. You, as the authorized patent agent, are now requested by his only son (who is the legal heir) to change the name in the patent. You are required to file form 16 under section 69. — After Patent

A. 11, 42
B. 10, 44 ✗ — Form 10 sec 50 Rule 94(1)
C. 10, 45
D. 11, 46

B partially correct. change in address for service form 11

PART B

Part B comprises of 10 Multiple Choice Questions each of 1 mark with only ONE Option is correct.

Select the most appropriate Option

Sec 44 Amendment of Application before Acceptance

Questions 31 to 35 relate to "Assertion and Reasoning". Only one option A, B, C or D should be marked as given below:

A. *When Both (A) and (R) are True, and (R) is a correct Explanation of (A)*
B. *When Both (A) and (R) are True (R), but (R) is NOT a correct Explanation of (A)*
C. *When (A) is true but (R) is False*
D. *When (A) and (R) both are False*

31. **Assertion (A):** The Examination process under the Act warrants the validity of the Patents granted under the Act. ×
D **Reasoning (R):** The Examination of patent application under section 12 and 13 ensures the above validity of the patent. ×

32. **Assertion (A):** In India, an applicant who is not an inventor must submit Proof of Right/Assignment from the inventor(s).
A **Reasoning (R):** Under Section 6 of the Act, true and first inventor or his assignee or his legal representative only are entitled to apply for patent.
— Legal principle

33. **Assertion (A):** The claims define in technical terms the extent, i.e. the scope, of the protection conferred by a patent, or the protection sought in a patent application. u/s 10(4)(c)
B **Reasoning (R):** Product claims specify the characteristics and features of a particular invention, On the other hand, process claims outline the methods or steps involved in creating or using the invention. — classification statement

34. **Assertion (A):** Every patentee and licensee has to furnish a statement regarding working of the patented invention on commercial scale in India at regular intervals. Form 27 ↪ Rule 131 Sec 146(2)
A **Reasoning (R):** Patents are not granted merely to enable patentees to enjoy a monopoly for the importation of the patented articles rather patents are granted to encourage inventions and to secure that the inventions are worked in India on a commercial scale. Sec 83, 84, 85

35. **Assertion (A):** The Patent Facilitators Scheme, introduced by the Government of India, involves engaging professionals and organizations to assist startups in preparing and filing patent applications.
C ✗ **Reasoning (R):** The remuneration to be paid to the facilitator varies as per the field of technology in which the patent application has been filed. Payment depends on stage of work ×

Questions 36 to 40 relate to True/False type questions. Only one option A, B, C or D should be marked as given below:

A. *When Statement 1 is True, and Statement 2 is False*
B. *When Statement 1 is False, and Statement 2 is True*
C. *When Both Statements 1 and 2 are True*
D. *When Both Statements 1 and 2 are False*

DPIIT - Department for promotion of Industry and Internal Trade — under Ministry of commerce & Industry

CIPAM - Cell for Intellectual Property Rights Promotion and Management.
a specialised unit under DPIIT, National IPR Policy 2016

Sec 117A lists appealable orders.

36. **Statement 1:** The timeline for filing a request for expedited examination can be extended by the Controller in response to a petition filed by the applicant to do so. → Form 18A statutory → Rule 24C, Rule 138

Statement 2: The extension of time given to applicant by Controller under section 81 is not appealable.

B

Patent Cooperation Treaty

37. **Statement 1:** In a PCT application, applicant name may be different for different designated states at national phase.

Statement 2: In a PCT national phase application designating India, the complete specification filed in the international application, shall be taken as complete specification in India. U/S 10 Rule 20

C

38. **Statement 1:** In India, Term of Patent has been 20 years ever since the Patents Act, 1970 came into force on 20/04/1972. After India's TRIPS complence

Statement 2: Irrespective of the field of invention, the term of patent has been uniform since 1999 in India.

D

Allowed under S 57 R 137 — Amendment 2002 sec 53

39. **Statement 1:** The date of priority once decided for an application may not be amended.

Statement 2: It is not possible to derive priorities from more than five earlier applications in a single application for grant of patent. Sec 11 Rule 21 — Not prescribe

D

40. **Statement 1:** An exclusive licensee can institute infringement proceedings on his own. S. 109(1)

Statement 2: An exclusive licensee can be awarded damages/compensation in an infringement suit by the Court. Cannot as per sec 109(2)

C

PART C

Part C comprises 30 marks with 10 questions, each of 3 marks. Out of four options only ONE option is correct. Select the Most appropriate Option.

41. **In view of the provisions of the Patents Act, 1970, which of the following entities may file a petition for revocation of a granted patent:**

i. Any person → Any person interested sec 64
ii. Any interested person sec 64(1)
iii. Central Government sec 65, 66
iv. State Government
v. Controller of Patent
vi. Defendant in any infringement suit by way of a counter-claim Sec 64(1)

A. Only (i), (ii) and (iii)
B. Only (ii), (iii) and (iv)
C. Only (ii), (iii) and (vi)
D. All of the above

42. Requirement of proper enablement of a patent specification is the basis of patenting regime philosophy of quid pro quo. However, this requirement is judged differently at different stages of the prosecution of a patent application/granted patent which is evident from different phrases used by the legislature in different sections dealing with various aspects of Patent Prosecution. In view of the same, which of the following sections are correctly matched with the relevant phrases:

i. Section 10(4)(a) - fully and particularly ✓
ii. Section 25(1)(g) - sufficiently and clearly ✓ Pre grant opposition
iii. Section 25(2)(g) - fully and sufficiently ✗
iv. Section 64(1)(h) - sufficiently and fairly ✓ & revocation

A. Only (i) and (ii)
B. Only (i), (ii), and (iii)
C. Only (i), (ii), and (iv) ✓
D. All of the above

43. Mr. Tanaka a national and resident of Japan filed a patent application in Japan on 25/07/2015. (iv) He assigned his right to Ms. Oto. Now Ms. Oto, taking priority of the said application wants to file a conventional application in India on 24/07/2016. While doing so, she wants to take her friend Ms. Meenakshi as the co-applicant in India. What could be the correct option(s) related to this — No

i. The applicant is free to choose any other applicant and Ms. Meenakshi can surely be a co-applicant without any further legal procedures ✗ No legal rights
ii. Only the applicant in priority application can be the applicant in conventional application in India and Ms. Meenakshi cannot be a co-applicant in this case ✓
iii. Ms. Oto may assign her partial rights to Ms. Meenakshi before she can be taken as co-applicant ✓
iv. None of the above shall work as the timeline is breached — Not ✗ its before 12 months

A. (i) and (ii)
B. (ii) and (iii) ✓
C. (i) and (iv)
D. All of the above

Sec 6 - who can apply
Sec 7 - Form of application
135 - convention application
Rule 21 claiming priority.

44. Provisions under the Patents Act, 1970 and Rules made therein provide various timelines for different actions. Which are the places where these timelines are mentioned:

i. Timeline to file Complete Specification after filing Provisional Specification S. 9(1) 12 months
ii. Term of Patent Sec 53 - 20 years
iii. Period under which restoration can be filed after the patent has lapsed Sec 60 18 months
iv. Time period under which Post-Grant Opposition is to be filed S 25(2) 1 year
v. Time for filing Request for Examination Rule 24B RFE - 48 months below
vi. Time to file review petition after the decision of Controller Rule 130 / Form 25 - 1 month

A. Under Patents Act - (i), (ii) and (iii); Under Patents Rules – (iv), (v) and (vi)
B. Under Patents Act - (i), (ii); Under Patents Rules – (iii), (iv), (v) and (vi)
C. Under Patents Act - (i), (ii), (iii) and (iv); Under Patents Rules – (v) and (vi) ✓
D. Under Patents Act - (i), (ii), (iii), (iv) and (v); Under Patents Rules – (vi)

45. Recently at National IPR Conference 2023 in Delhi, WIPO IP Diagnostics – Indian Adaptation was launched, which is a collaborative effort of WIPO and the Government of India, executed through the Office of the Controller General of Patents, Designs and Trademarks (CGPDTM). In this context, the correct statement(s) is/are:

i. It is a software-based tool that enables SMEs and MSMEs to undertake the self-assessment of their IP Assets

ii. The tool generates reports based on targeted questions related to Intellectual Property Rights

iii. It provides a Global Perspective of IPR including the Indian Context with Illustrative Local Examples

iv. It also enables exchange of search reports between patent examiners of different countries to diagnose the deficiency in their searching technique

v. It also includes information regarding Plant Varieties and Farmer's rights as it is crucial to Indian Aspect

WIPO CASE

A. Only (i), (ii) and (iii)
B. Only (ii), (iii) and (iv)
C. Only (i), (ii) and (v)
D. All are correct

46. In the context of filing Form 27 on working of patents, which of the following is true

i. Every patentee is required to file Form 27 for exclusive licensee
ii. Exclusive licensee should file Form 27, but it's not mandatory for non-exclusive licensee
iii. For joint applicants, all such patentees may file Form 27 jointly
iv. Different licensee of same patent may file jointly

A. Only (i), (ii) and (iii)
B. Only (i) and (ii)
C. Only (i), (ii) and (iv)
D. Only (i) and (iii)

Sec 146(2) Rule 131

47. Look at the table below:

Topic	Form	Relevant Section and Rules
1. Restoration of Lapsed Patents	I. Form 3	A. Section 57, Rule 81(1)
2. Statement and Undertaking regarding foreign application	II. Form 7	B. Section 8, Rule 12
3. Notice of Opposition	III. Form 13	C. Section 60, Rule 84
4. Application for Amendment of application/complete specification/other related documents	IV. Form 15	D. Section 25(2), Rule 55A

With reference to the table above, which of the following options is NOT matching the provisions of the Act correctly?

C

A. 1-IV-C B. 2-I-B C. 3-IV-A D. 4-III-A

Not matching correctly

Nagoya Protocol
Biological Diversity Act, 2002
ABS - Access and Benefit Sharing

48. Jack and Jill ventured up the hill and encountered the welcoming Oompa-Dumpa tribe, who graciously offered them a revitalizing root to chew. Overwhelmed by its unique and refreshing flavor, they expressed their gratitude and took the opportunity to gather plant samples before returning home. With great care and respect, they developed this extraordinary find into a delightful chocolate product, patented it, and introduced it to the market where it received an overwhelmingly positive response. They request your professional advice regarding how to proceed with sharing the benefits with the tribe. Which among the following are appropriate option(s):

i. To partnership with the tribe, ensuring fair compensation for their cultural knowledge and contribution — bio diversity law
ii. A percentage of the profits from the chocolate's success may be directed back to the tribe, for supporting their community and preserving their traditions
iii. Profits may be used to uplift the lives of the tribal community that had shared their wisdom
iv. To keep all profits for themselves, acknowledging the tribe privately
v. Share a percentage of profits with the Oompa-Dumpa tribe as fair compensation — ABS
vi. Make a one-time charitable donation unrelated to the tribe's contribution
vii. Disregard any obligation to share benefits with the tribe due to the discovery process

Traditional Knowledge
Biological resources from tribe

A. Only iv, vi and vii
B. Only i, iv, v and vii
C. Only iv, v, vi and vii
D. Only i, ii, iii and v

49. Mr. Allu's name was removed from register of Patent Agent on 25/03/2023. Now, Mr. Allu wants to file an application for restoration of him name in the register of Patent Agents. Regarding this:

i. Application for restoration of name in the register of Patent Agents can only be made after 25/05/2023
ii. Application for restoration of name in the register of Patent Agents can only be made within 25/05/2023
iii. Application for restoration of name in the register of Patent Agents can be made on Form-23 by Mr. Allu within 2 months Rule 114
iv. Application for restoration of name in the register of Patent Agents can be made on Form-22 by Mr. Allu

Form 22 - registration / renewal.

A. Only (ii) and (iii)
B. Only (i) and (iii)
C. None are correct
D. All are correct

50. Dr. Sudha is unable to exploit her patent commercially. None of the dealers or companies in the same field approached her for commercial deals and assignments. She is unable to maintain the patent nor file renewal fee. What among the following options are correct with respect to surrendering her patent:

i. Dr. Sudha could give notice to controller offering to surrender her patent u/s 63
ii. By surrendering her patent under section 63 by which she could claim refund of fees paid to patent office
iii. The controller based on her surrender request under section 63 may accept the offer and, by order, revoke the patent following due procedure of opposition proceedings, if any
iv. The controller based on her surrender request under section 62 may accept the offer and, by order, revoke the patent following due procedure of opposition proceedings, if any
v. The controller based on her surrender request under section 62 may accept the offer and she could claim refund of fees paid to patent office

A. Only (ii) and (iii)
B. Only (i) and (iii)
C. Only (iv) and (v)
D. None are correct

Sec 62 – lapse (automatic, no refund, no opposition)
Sec 63 – surrender

Muralikrishna

----------END OF PAPER----------

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